



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 347**

October 24, 1995 - Offered by COMMITTEE ON EDUCATION.

1     **AN ACT** *to repeal* 118.37 (1) (title) and 118.37 (9); *to renumber* 118.37 (title),  
2           118.37 (2) to (6) and 118.37 (8); *to renumber and amend* 118.37 (1), 118.37 (7g)  
3           and 121.78 (1); *to amend* 20.255 (2) (cw), 38.04 (11) (a) 2., 38.22 (1) (intro.),  
4           38.28 (1m) (a) 1., 115.28 (38), 115.80 (5) (a), 119.04 (1), 119.24, 120.12 (17),  
5           121.05 (1) (a) 5., 121.58 (2) (a), 121.58 (4), 121.77 (1), 121.81 (2) (a) and 121.84  
6           (1) (a); and *to create* 115.80 (3) (bm), 115.80 (4) (am), 115.85 (1) (e), 115.85 (2)  
7           (f), subchapter I (title) of chapter 118 [precedes 118.01], subchapter II of chapter  
8           118 [precedes 118.50], 121.54 (10) and 121.78 (1g) of the statutes; **relating to:**  
9           establishing interdistrict school choice and interdistrict enrollment options  
10          programs and granting rule-making authority.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

11         **SECTION 1.** 20.255 (2) (cw) of the statutes is amended to read:  
12           20.255 (2) (cw) *Aid for transportation to institutions of higher education.* The  
13           amounts in the schedule for the payment of state aid for the transportation of pupils  
14           attending an institution of higher education under s. ~~118.37~~ 118.55 (7g).

1           **SECTION 2.** 38.04 (11) (a) 2. of the statutes, as affected by 1995 Wisconsin Act  
2       27, is amended to read:

3           38.04 **(11)** (a) 2. In consultation with the department of public instruction, the  
4       board shall establish, by rule, a uniform format for district boards to use in reporting  
5       the number of pupils attending district schools under ss. 118.15 (1) (b), (cm) and (d)  
6       and ~~118.37~~ 118.55 and in reporting pupil participation in technical preparation  
7       programs under s. 118.34, including the number of courses taken for advanced  
8       standing in the district's associate degree program and for technical college credit.  
9       The format shall be identical to the format established by the department of public  
10      instruction under s. 115.28 (38).

11           **SECTION 3.** 38.22 (1) (intro.) of the statutes is amended to read:

12           38.22 **(1)** (intro.) Except as provided in subs. (1m) and (1s) and s. ~~118.37~~ 118.55,  
13      every person who is at least the age specified in s. 118.15 (1) (b) is eligible to attend  
14      the schools of a district if the person is:

15           **SECTION 4.** 38.28 (1m) (a) 1. of the statutes is amended to read:

16           38.28 **(1m)** (a) 1. "District aidable cost" means the annual cost of operating a  
17      technical college district, including debt service charges for district bonds and  
18      promissory notes for building programs or capital equipment, but excluding all  
19      expenditures relating to auxiliary enterprises and community service programs, all  
20      expenditures funded by or reimbursed with federal revenues, all receipts under subs.  
21      (6) and (7) and ss. 38.12 (9), 38.14 (3) and (9), 46.32, 118.15 (2) (a), ~~118.37~~ 118.55 and  
22      146.55 (5), all receipts from grants awarded under ss. 38.04 (8) and (20), 38.14 (11),  
23      38.26, 38.27 and 38.38, all fees collected under s. 38.24 and driver education and  
24      chauffeur training aids.

1           **SECTION 5.** 115.28 (38) of the statutes, as affected by 1995 Wisconsin Act 27,  
2 is amended to read:

3           115.28 **(38)** REPORTING OF PUPILS ATTENDING TECHNICAL COLLEGES. In  
4 consultation with the technical college system board, promulgate rules establishing  
5 a uniform format for school boards to use in reporting the number of pupils attending  
6 technical college districts under ss. 118.15 (1) (b), (cm) and (d) and ~~118.37~~ 118.55 and  
7 in reporting pupil participation in technical preparation programs under s. 118.34,  
8 including the number of courses taken for advanced standing in a technical college  
9 district's associate degree program and for technical college credit. The format shall  
10 be identical to the format established by the technical college system board under s.  
11 38.04 (11) (a) 2.

12           **SECTION 6.** 115.80 (3) (bm) of the statutes is created to read:

13           115.80 **(3)** (bm) If a child is attending a public school outside his or her school  
14 district of residence under s. 118.51, as part of its evaluation of the child the  
15 multidisciplinary team shall consult with appropriate personnel from the child's  
16 school district of attendance.

17           **SECTION 7.** 115.80 (4) (am) of the statutes is created to read:

18           115.80 **(4)** (am) If a child is attending a public school outside his or her school  
19 district of residence under s. 118.51, the staff appointed under par. (a) shall consult  
20 with appropriate personnel from the child's school district of attendance before  
21 developing an individualized education program for the child.

22           **SECTION 8.** 115.80 (5) (a) of the statutes is amended to read:

23           115.80 **(5)** (a) Each child who is receiving special education shall be reevaluated  
24 by a multidisciplinary team at least once every 3 years. Subsection (3) (bm) applies  
25 to reevaluations under this paragraph.

**SECTION 9.** 115.85 (1) (e) of the statutes is created to read:

115.85 (1) (e) Notwithstanding par. (a), if a child with exceptional educational needs is attending a public school outside his or her school district of residence under s. 118.51, the school board of the school district of attendance shall ensure that appropriate special education programs and related services are available to the child.

**SECTION 10.** 115.85 (2) (f) of the statutes is created to read:

115.85 (2) (f) If a child with exceptional educational needs is attending a public school outside his or her school district of residence under s. 118.51, the school board of the school district of attendance shall provide an appropriate educational placement for the child under this subsection, and shall pay tuition charges instead of the school district of residence if any of the placement options under pars. (am) to (d) are utilized.

**SECTION 11.** Subchapter I (title) of chapter 118 [precedes 118.01] of the statutes is created to read:

## **CHAPTER 118**

### **SUBCHAPTER I**

#### **GENERAL SCHOOL OPERATIONS**

**SECTION 12.** 118.37 (title) of the statutes is renumbered 118.55 (title).

**SECTION 13.** 118.37 (1) (title) of the statutes is repealed.

**SECTION 14.** 118.37 (1) of the statutes is renumbered 118.50 (2) and amended to read:

118.50 (2) ~~In this section, “institution~~ “Institution of higher education” means a center or institution within the university of Wisconsin system, a technical college or a private, nonprofit institution of higher education located in this state.

**SECTION 15.** 118.37 (2) to (6) of the statutes, as affected by 1995 Wisconsin Act 27, are renumbered 118.55 (2) to (6).

**SECTION 16.** 118.37 (7g) of the statutes is renumbered 118.55 (7g) and amended to read:

118.55 **(7g)** TRANSPORTATION. The parent ~~or guardian~~ of a pupil who is attending an institution of higher education under this section and is taking a course for high school credit that is not comparable to a course offered in the school district may apply to the state superintendent for reimbursement of the cost of transporting the pupil between the high school in which the pupil is enrolled and the institution of higher education that the pupil is attending if the pupil and the pupil's parent ~~or guardian~~ are unable to pay the cost of such transportation. The state superintendent shall determine the reimbursement amount and shall pay the amount from the appropriation under s. 20.255 (2) (cw). The state superintendent shall give preference under this subsection to those pupils who are eligible for a free or reduced-price lunch under 42 USC 1758 (b).

**SECTION 17.** 118.37 (8) of the statutes is renumbered 118.55 (8).

**SECTION 18.** 118.37 (9) of the statutes is repealed.

**SECTION 19.** Subchapter II of chapter 118 [precedes 118.50] of the statutes is created to read:

## **CHAPTER 118**

### **SUBCHAPTER II**

#### **ENROLLMENT OPTIONS PROGRAMS**

**118.50 Definitions.** In this subchapter:

**(1)** "Attendance area" has the meaning given in s. 121.845 (1).

**(3)** "Membership" has the meaning given in s. 121.004 (5).

1           (4) “Parent” includes a guardian.

2           **118.51 Interdistrict school choice. (1) APPLICABILITY; APPLICATION**

3 PROCEDURES. (a) Beginning in the 1997–98 school year, a pupil may attend a public  
4 school, including a prekindergarten, early childhood or school-operated day care  
5 program, outside his or her school district of residence under this section, except that  
6 a pupil may attend a prekindergarten, early childhood or school-operated day care  
7 program outside his or her school district of residence under this section only if the  
8 pupil’s school district of residence offers the same type of program that the pupil  
9 wishes to attend and the pupil is eligible to attend that program in his or her school  
10 district of residence. The pupil’s parent shall submit an application, on a form  
11 provided by the department, to the school board of the school district that the pupil  
12 wishes to attend by February 1 of the school year immediately preceding the school  
13 year in which he or she wishes to attend, and shall send a copy of the application to  
14 the school board of the school district of residence. The application may include a  
15 request to attend a specific school or program offered by the school district. By April  
16 1 following receipt of the application, the school board shall notify the applicant, in  
17 writing, whether the application has been accepted. If the school board rejects an  
18 application, it shall include in the notice the reason for the rejection. By May 1  
19 following receipt of a notice of acceptance, the pupil’s parent shall notify the school  
20 board of the pupil’s intent to attend school in that school district in the following  
21 school year.

22           (am) A school board may not act on any application received under par. (a) until  
23 after February 1. If a school board receives more applications for a particular grade  
24 or program than there are spaces available in the grade or program the school board  
25 shall determine which pupils to accept on a random basis.

1 (b) Annually by May 15, each school board of a school district that has accepted  
2 nonresident pupils under this section shall notify the school board of the school  
3 district of residence of the names of the pupils from the latter school district who will  
4 be attending the former school district in the following school year.

5 (c) 1. If a pupil's parent notifies the school board of a nonresident school district  
6 that the pupil intends to attend school in that school district in the following school  
7 year under par. (a), the pupil shall attend that school district in the following school  
8 year and may continue to attend that school district in succeeding school years  
9 without reapplying. If at any time the pupil wishes to reattend school in his or her  
10 school district of residence, the pupil's parent shall notify the school boards of the  
11 school districts of residence and of attendance by February 1 preceding the school  
12 year in which the pupil will begin reattending the school district of residence. If at  
13 any time the pupil wishes to attend school in a school district other than the school  
14 district that he or she is currently attending or his or her school district of residence,  
15 the pupil's parent shall follow the application procedure under par. (a).

16 2. Notwithstanding subd. 1., a pupil attending school outside his or her school  
17 district of residence under this section may reattend school in his or her school  
18 district of residence at any time if the school boards of both school districts agree.

19 **(2) ACCEPTANCE CRITERIA.** (a) By December 1, 1996, each school board shall  
20 adopt a resolution specifying criteria for accepting and rejecting applications. If the  
21 school board wishes to revise the criteria, it shall do so by resolution. The criteria  
22 may include any of the following:

23 1. The availability of space in the school, program, class or grade, including any  
24 class-size limits, pupil-teacher ratios or enrollment projections established by the  
25 school board. The school board may give preference in attendance at a school,

1 program, class or grade to residents of the school district who live outside the school's  
2 attendance area.

3 2. Whether the pupil is involved in a disciplinary proceeding, as determined by  
4 the school board of the school district to which the pupil has applied.

5 (am) The criteria may not include academic achievement, athletic or other  
6 special ability, English language proficiency, the presence of a physical, mental,  
7 emotional or learning disability, previous disciplinary proceedings or anything else  
8 not specified in par. (a) 1. and 2., except as provided under par. (b).

9 (b) A school board shall give preference in accepting applications to pupils and  
10 to siblings of pupils who are already attending public school in the school district.

11 (c) 1. A school board may prohibit a resident pupil from attending school in  
12 another school district under this section if the school board determines that the  
13 pupil is involved in a disciplinary proceeding.

14 2. A school board shall prohibit a resident pupil from attending school in  
15 another school district under this section if allowing such attendance would violate  
16 a court-ordered plan to reduce racial imbalance in the school district.

17 3. In the 1997-98 school year, the school board of the school district of residence  
18 may limit the number of resident pupils attending public school in other school  
19 districts to 3% of its membership. In each of the 7 succeeding school years, the school  
20 board of the school district of residence may limit the number of resident pupils  
21 attending public school in other school districts an additional 1% of its membership.  
22 If more than the maximum allowable number of resident pupils apply to attend  
23 public school in other school districts in any school year, the school board of the school  
24 district of residence shall determine which pupils will be allowed to attend public  
25 school in other school districts on a random basis, except that the school board shall



1 give preference to pupils who are already attending public school in the school  
2 district to which they are applying and to siblings of such pupils. The school board  
3 shall notify the applicants of its determination by April 1.

4 **(3) APPEAL OF REJECTION.** If an application is rejected under sub. (1) (a) or a pupil  
5 is prohibited from attending school in another school district under sub. (2) (c), the  
6 pupil's parent may appeal the decision to the department within 30 days after the  
7 decision.

8 **(4) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS.** A pupil attending a public  
9 school outside his or her school district of residence under this section has all of the  
10 rights and privileges of resident pupils and is subject to the same rules and  
11 regulations as resident pupils.

12 **(6) TRANSPORTATION.** The parent of a pupil attending a public school outside the  
13 pupil's school district of residence under this section is responsible for transporting  
14 the pupil to and from school.

15 **(7) TUITION.** (a) Except as provided under par. (b), the school board of the school  
16 district of residence shall pay to the school board of the school district of attendance,  
17 for each pupil attending a public school outside his or her school district of residence  
18 under this section, tuition calculated under s. 121.83 for either the school district of  
19 residence or the school district of attendance, whichever is lower, or an amount  
20 agreed to by the school boards of the 2 school districts.

21 (b) The school board of the school district of residence shall pay to the school  
22 board of the school district of attendance, for each child with exceptional educational  
23 needs, as defined in s. 115.76 (3), who is attending a public school outside his or her  
24 school district of residence under this section, tuition calculated under s. 121.83 for

1 the school district of attendance, or an amount agreed to by the school boards of the  
2 2 school districts.

3 (c) The amount to be paid under pars. (a) and (b) and a payment schedule shall  
4 be specified in a written agreement. If the school boards cannot agree on the amount  
5 of tuition, the department shall determine the amount. If the school boards cannot  
6 agree on a payment schedule, payment shall be made in 4 instalments. The first 3  
7 instalments shall be based on estimated costs and paid on the last day of September,  
8 December and March in the school year in which the costs are incurred. The 4th  
9 instalment, adjusted for actual costs, shall be paid when the actual costs are known.

10 (8) INFORMATION. Each school board shall provide information about its schools  
11 and programs in the format and manner prescribed by the department.

12 **118.52 Interdistrict enrollment options. (1) APPLICABILITY.** Beginning in  
13 the 1997-98 school year, a pupil enrolled in a public school in the high school grades  
14 may attend a public school outside his or her school district of residence under this  
15 section for the purpose of taking 1 or 2 courses offered by the other school district,  
16 if all of the following apply:

17 (b) The school board of the other school district determines that there is space  
18 available in the course or courses.

19 (d) The school board of the school district of residence determines that the  
20 courses satisfy high school graduation requirements under s. 118.33 in that school  
21 district.

22 (e) The pupil meets all of the prerequisites for the course or courses that apply  
23 to pupils who reside in the other school district.

24 (2) APPLICATION PROCEDURES. (a) The pupil's parent shall submit an  
25 application, on a form provided by the department, to the school board of the school

1 district in which the pupil wishes to attend courses by February 1 of the school year  
2 immediately preceding the school year in which he or she wishes to attend the  
3 courses, and shall send a copy of the application to the school board of the school  
4 district of residence. The application shall specify the course or courses that the  
5 pupil wishes to attend. By April 1 following receipt of the application, the school  
6 board shall notify the applicant, in writing, whether the application has been  
7 accepted. The acceptance applies only for the following school year. If the school  
8 board rejects an application, it shall include in the notice the reason for the rejection.  
9 By May 1 following receipt of a notice of acceptance, the pupil's parent shall notify  
10 the school board of the pupil's intent to attend a course or courses in that school  
11 district in the following school year.

12 (am) A school board may not act on any application received under par. (a) until  
13 after February 1. If a school board receives more applications for a particular course  
14 than there are spaces available in the course, the school board shall determine which  
15 pupils to accept on a random basis.

16 (b) Annually by May 15, each school board of a school district that has accepted  
17 nonresident pupils under this section shall notify the school board of the school  
18 district of residence of the names of the pupils from the latter school district who will  
19 be attending courses in the former school district in the following school year.

20 (c) If a pupil's parent notifies the school board of a nonresident school district  
21 that the pupil intends to attend courses in that school district in the following school  
22 year under par. (a), the pupil shall attend those courses in that school district in the  
23 following school year, except that he or she may cease attending the courses at any  
24 time during that school year if the school boards of both school districts agree.

1           **(3) ACCEPTANCE CRITERIA.** (a) By December 1, 1996, each school board shall  
2       adopt a resolution specifying criteria for accepting and rejecting applications. If the  
3       school board wishes to revise the criteria, it shall do so by resolution. The criteria  
4       may include any of the following:

5           1. The availability of space in the course. The school board may give preference  
6       in attendance in a course to residents of the school district who live outside the  
7       school's attendance area.

8           2. Whether the pupil is involved in a disciplinary proceeding, as determined by  
9       the school board of the school district to which the pupil has applied.

10          (am) The criteria may not include academic achievement, athletic or other  
11       special ability, English language proficiency, the presence of a physical, mental,  
12       emotional or learning disability, previous disciplinary proceedings or anything else  
13       not specified in par. (a) 1. and 2., except as provided under par. (b).

14          (b) A school board shall give preference in accepting applications to pupils who  
15       are already attending courses in the school district.

16          (c) 1. A school board may prohibit a resident pupil from attending courses in  
17       another school district under this section if the school board determines that the  
18       pupil is involved in a disciplinary proceeding.

19          2. A school board shall prohibit a resident pupil from attending courses in  
20       another school district under this section if allowing such attendance would violate  
21       a court-ordered plan to reduce racial imbalance in the school district.

22          **(4) APPEAL OF REJECTION.** If an application is rejected under sub. (2) (a) or a pupil  
23       is prohibited from attending courses in another school district under sub. (3) (c), the  
24       pupil's parent may appeal the decision to the department within 30 days after the

1 decision. The department's decision is final and is not subject to judicial review  
2 under subch. III of ch. 227.

3 **(5) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS.** A pupil attending courses in  
4 a public school outside his or her school district of residence under this section has  
5 all of the rights and privileges of resident pupils and is subject to the same rules and  
6 regulations as resident pupils.

7 **(6) TRANSPORTATION.** The parent of a pupil attending courses in a public school  
8 outside the pupil's school district of residence under this section is responsible for  
9 transporting the pupil to and from the courses that the pupil is attending.

10 **(7) TUITION.** The school board of the school district of residence shall pay to the  
11 school board of the other school district for each pupil attending one or more courses  
12 at a public school outside his or her school district of residence under this section an  
13 amount equal to the cost of providing the course or courses to the pupil, calculated  
14 as determined by the department. Unless the 2 school boards agree to a different  
15 schedule, tuition payments shall be made in 4 instalments. The first 3 instalments  
16 shall be based on estimated costs and paid on the last day of September, December  
17 and March in the school year in which the costs are incurred. The 4th instalment,  
18 adjusted for actual costs, shall be paid when the actual costs are known.

19 **118.54 School districts participating in a special transfer program. (1)**  
20 If the school board of a school district participating in a program under s. 121.85 or  
21 121.86 determines that the application deadlines under s. 118.51 or 118.52 conflict  
22 with procedures necessary to implement the program under s. 121.85 or 121.86, the  
23 school board may modify the deadlines under ss. 118.51 and 118.52.

1           (2) (a) Annually by December 1, the school board of a school district  
2 participating in an interdistrict transfer program under s. 121.85 shall adopt a  
3 resolution specifying one of the following:

4           1. The number of pupils that it will accept under the interdistrict school choice  
5 program under s. 118.51 and the number of pupils that it will accept under the  
6 interdistrict transfer program under s. 121.85 in the succeeding school year, by grade  
7 level and by school.

8           2. Of the total number of pupils that it will accept under the interdistrict school  
9 choice program under s. 118.51 and the interdistrict transfer program under s.  
10 121.85 in the succeeding school year, the percentage that it will accept under each  
11 program.

12           3. That all applications under the interdistrict school choice program under s.  
13 118.51 for the succeeding school year shall be given preference over all applications  
14 under the interdistrict transfer program under s. 121.85 for the succeeding school  
15 year.

16           4. That all applications under the interdistrict transfer program under s.  
17 121.85 for the succeeding school year shall be given preference over all applications  
18 under the interdistrict school choice program under s. 118.51 for the succeeding  
19 school year.

20           (b) The resolution adopted under par. (a) shall comply with any applicable  
21 court-ordered plan to reduce racial imbalance in the school district.

22           **118.56 Department duties.** The department shall do all of the following:

23           (1) Promulgate rules to implement and administer this subchapter.

24           (2) Annually submit a report to the governor, and to the appropriate standing  
25 committees of the legislature under s. 13.172 (3). The report shall specify the number

1 of pupils attending a school outside the pupil's school district of residence under s.  
2 118.51 by school, grade, ethnicity and gender.

3 **SECTION 20.** 119.04 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
4 is amended to read:

5 119.04 (1) Subchapters IV, V and VII of ch. 115, subch. II of ch. 118, ch. 121 and  
6 ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345,  
7 115.361, 115.38 (2), 115.40, 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12,  
8 118.125 to 118.14, 118.15, 118.153, 118.16, 118.162, 118.163, 118.18, 118.19, 118.20,  
9 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to 118.43, 120.12  
10 (5) and (15) to (24), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26) and  
11 (34) to (36) and 120.14 are applicable to a 1st class city school district and board.

12 **SECTION 21.** 119.24 of the statutes is amended to read:

13 **119.24 Admission of pupils.** ~~Each~~ Subject to s. 118.51 (1) (c), each school  
14 under the jurisdiction of the board shall be open to pupils residing within the  
15 attendance district established for that school under s. 119.16 (2). A pupil residing  
16 in any such attendance district may attend a school in another attendance district  
17 with the written permission of the superintendent of schools.

18 **SECTION 22.** 120.12 (17) of the statutes is amended to read:

19 120.12 (17) UNIVERSITY OF WISCONSIN SYSTEM TUITION. Pay the tuition of any  
20 pupil enrolled in the school district and attending a center or institution within the  
21 university of Wisconsin system if the pupil is not participating in the program under  
22 s. ~~118.37~~ 118.55, the course the pupil is attending at the university is not offered in  
23 the school district and the pupil will receive high school credit for the course.

24 **SECTION 23.** 121.05 (1) (a) 5. of the statutes is amended to read:

1           121.05 (1) (a) 5. Pupils attending an institution of higher education under s.  
2   118.37 118.55.

3           **SECTION 24.** 121.54 (10) of the statutes is created to read:

4           121.54 (10) INTERDISTRICT SCHOOL CHOICE. A school board may elect to provide  
5   transportation, including transportation to and from summer classes, for  
6   nonresident pupils accepted under s. 118.51 or 118.52, or resident pupils attending  
7   another school district under s. 118.51 or 118.52, or both.

8           **SECTION 25.** 121.58 (2) (a) of the statutes is amended to read:

9           121.58 (2) (a) A school district which provides transportation to and from a  
10   school under ss. 121.54 (1) to (3), (5) ~~and~~, (6) and (10) and 121.57 shall be paid state  
11   aid for such transportation at the rate of \$30 per school year per pupil so transported  
12   whose residence is at least 2 miles and not more than 5 miles from the school  
13   attended, \$45 per school year per pupil so transported whose residence is at least 5  
14   miles and not more than 8 miles from the school attended, \$60 per school year per  
15   pupil so transported whose residence is at least 8 miles and not more than 12 miles  
16   from the school attended, \$68 per school year per pupil so transported whose  
17   residence is at least 12 miles and not more than 15 miles from the school attended,  
18   \$75 per school year per pupil so transported whose residence is at least 15 miles and  
19   not more than 18 miles from the school attended, and \$85 per school year per pupil  
20   so transported whose residence is more than 18 miles from the school attended. Such  
21   state aid shall be reduced proportionately in the case of a pupil transported for less  
22   than a full school year because of nonenrollment. State aid for transportation shall  
23   not exceed the actual cost thereof. No state aid of any kind may be paid to a school  
24   district which charges the pupil transported or his or her parent or guardian any part  
25   of the cost of transportation provided under ss. 121.54 (1) to (3), (5) ~~and~~, (6) and (10)



1 and 121.57 or which wilfully or negligently fails to transport all pupils for whom  
2 transportation is required under s. 121.54.

3 **SECTION 26.** 121.58 (4) of the statutes is amended to read:

4 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before  
5 October 1 of the year in which transportation is provided under s. 121.54 (4) or (10),  
6 the school district clerk shall file with the department a report, containing such  
7 information as the department requires, on transportation provided by the school  
8 board to and from summer classes. Upon receipt of such report and if the summer  
9 classes meet the requirements of s. 121.14 (1), state aid shall be paid for such  
10 transportation. A school district which provides such transportation shall be paid  
11 state aid for such transportation at the rate of \$4 per pupil transported to and from  
12 public school whose residence is at least 2 miles and not more than 5 miles by the  
13 nearest traveled route from the public school attended, and \$6 per pupil transported  
14 to and from public school whose residence is more than 5 miles by the nearest  
15 traveled route from the public school attended, if the pupil is transported 30 days or  
16 more. The state aid shall be reduced proportionately if the pupil is transported less  
17 than 30 days.

18 **SECTION 27.** 121.77 (1) of the statutes is amended to read:

19 121.77 (1) Every elementary school and high school shall be free to all pupils  
20 who reside in the school district. ~~If facilities are adequate, a school board, board of~~  
21 ~~control of a cooperative educational service agency or county handicapped children's~~  
22 ~~education board may admit nonresident pupils who meet its entrance requirements.~~  
23 Nonresident pupils are admitted, they shall have all the rights and privileges of  
24 resident pupils and shall be subject to the same rules and regulations as resident

1 pupils, subject to s. 118.51 (4). The agency of service shall charge tuition for each  
2 nonresident pupil, except as provided in s. 121.78 (1g).

3 **SECTION 28.** 121.78 (1) of the statutes is renumbered 121.78 (1m), and 121.78  
4 (1m) (title) and (a), as renumbered, are amended to read:

5 121.78 **(1m)** (title) ~~BY AGREEMENT~~ ATTENDANCE OUT-OF-STATE. (a) Upon the  
6 approval of the state superintendent, ~~the a school board of the district of residence~~  
7 ~~and the school board of the district of attendance may make a written agreement to~~  
8 may permit an elementary or high school a pupil to attend a public school, including  
9 an out-of-state school, located outside the school district of residence, and the school  
10 district of residence this state. The school board shall pay the tuition. The and the  
11 ~~school district of residence shall be paid state aid as though the pupil were enrolled~~  
12 ~~in the school district of residence.~~

13 **SECTION 29.** 121.78 (1g) of the statutes is created to read:

14 121.78 **(1g)** INTERDISTRICT SCHOOL CHOICE. The school board of the school district  
15 of residence of a pupil who attends a public school in another school district under  
16 s. 118.51 shall pay to the school district of attendance the amount described under  
17 s. 118.51 (7). The school district of residence shall be paid state aid as though the  
18 pupil were enrolled in that school district.

19 **SECTION 30.** 121.81 (2) (a) of the statutes is amended to read:

20 121.81 **(2)** (a) ~~A pupil whose~~ If a pupil's parent or legal custodian, who is a  
21 resident of this state but not a resident of the school district, misses the application  
22 deadline under s. 118.51 (1) (a) for the attendance of the pupil in another school  
23 district, the pupil's parent or legal custodian may file with the school board of the  
24 other school district a written application for enrollment in the schools of the that  
25 school district. The application shall be accompanied by a written declaration of the

parent or legal custodian that the parent or legal custodian will establish residence in the school district by a specified time. If facilities are adequate, the school board may permit the pupil to enroll in the schools of the school district, and may require prepayment of a tuition fee for 9 school weeks or may waive the tuition requirement for that pupil. If the parent or legal custodian establishes residence in the school district within such 9 school weeks, the school board shall refund the tuition fee. If such residence is not established there shall be no refund of the tuition fee but another written application for enrollment may be filed for the next succeeding 9 school weeks and, upon prepayment of a tuition fee for such 9 school weeks, the school board may permit the pupil to reenroll. If the parent or legal custodian establishes residence in the school district within the second 9 school weeks, the school board shall refund the tuition fee for the second 9 school weeks.

**SECTION 31.** 121.84 (1) (a) of the statutes is amended to read:

121.84 (1) (a) A school board ~~may~~ shall permit a pupil who is enrolled in a school under its jurisdiction and is a resident of the school district at the beginning of the school year to complete the school year at the school without payment of tuition, even though the pupil is no longer a resident of the school district.

**SECTION 32. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) PUBLIC SCHOOL CHOICE. The treatment of sections 121.78 (1), 121.81 (2) (a) and 121.84 (1) (a) of the statutes takes effect on July 1, 1997.

(END)